The Times-Dispatch

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HARMAN IS WINNER BY NARROW MARGIN

Blair, But Seven Votes Behind, Asks for Recount.

FOLKES LEADS SENATE TICKET

Cox, Wingo, Massie, Glenn and Montague Win in Race for House—Blair Has Fight With E. J. Walton at Polls in Clay Ward.

Official Vote in Richmond Primary

First two on Senate list and first five on House list are nominees in yesterday's legislative primary in Richmond.

FOR THE SENATE.

Folkes	1,931
Harman	1,881
Blair	1,874
Minor	1,790

FOR THE HOUSE.

Cox	2,159
Wingo	2,123
Massie	2,056
Glenn	2,004
Montague	1,834
Peyton	1,711
Blake	1,679
Fuller	1,667
Curtis	1,630
Pollard	1,446
Total vote cast	3,673

Concisely told, the story of yesterday's legislative primary in Richmond is in the table printed above, and its most striking feature is the remarkably small vote polled. Scarcely less interesting, however, is the exceedingly close race between Messrs. Harman and Blair for the Senate, the former having finished for second place over the latter with a lead of only seven votes.

Mr. Blair served verbal notice on the committee that he would ask a recount, though he had no suspicion that there was anything wrong with the conduct of the election. He took this action, however, at the instance of friends, who thought the result was close enough to admit of possible mistakes. The defeated candidate for the upper branch will serve a formal written notice on the committee later on, and that body will cheerfully give him a recount.

Mr. Blair made a manly speech, thanking his friends for their loyalty, and pledging his best endeavors to serve his party, its nominees and the people faithfully at all times.

Looked Panicky.

It is a remarkable fact that there were not as many as a hundred votes between the four senatorial candidates from the top to the bottom of the ticket.

Folkes led by fifty votes over Harman; Harman had only seven over Blair, and Blair defeated Minor by a margin of eighty-four.

It looked panicky for everybody on the senatorial ticket at times, but it shortly developed that Folkes would lead, and that Harman and Blair were running a neck and neck race for the second place.

Mr. Harman led steadily throughout the count, but it was always by a slight majority, and on many occasions it looked as if his narrow margin would be wiped out. When Second Marshall came in the wildest excitement prevailed in Sanger Hall, where the returns were received. This was the last precinct to report, and it went for Folkes and Blair. The Blair people had some advance news, which put their man ahead by a few votes, and they went wild with delight. Their hats went in the air and they shouted themselves hoarse for their leader. Meanwhile the Harman forces kept quiet and seemed prepared sorrowfully to accept their defeat. When the official figures were compiled and read out pandemonium broke loose and the devoted followers of the Senator had their inning. They shouted wildly for Harman and now and then some one would yell, "Hurrah for Saunders."

How They Took It.

Mr. Folkes took his victory philosophically. It was the fourth time in his life, which is yet young, that his people had honored him with a seat in the Legislature, and though called for by his enthusiastic supporters, he made no further response than to return his grateful thanks, and to promise faithful service in the Senate.

Mr. Minor took his defeat cheerfully, and though he was slightly behind in the race, he and his friends were very proud of the fine run he made.

Senator Harman was fairly showered with congratulations, but he maintained that quiet dignity which has marked his entire public career, and simply smiled and returned his thanks for the renewed confidence of the constituency he has so long and so faithfully served.

So far as could be learned, there was but one disturbance at the polls, and that was at Third Clay, between Mr. Blair, one of the senatorial candidates, and Mr. E. J. Walton, a prominent Democratic worker of the ward.

It was learned from reliable sources that Mr. Blair rather took Mr. Walton to task for breaking an alleged promise to support him, and that Mr. Walton denied in vigorous terms that he had made such a promise, Mr. Blair struck at Mr. Walton, who, it is said, called him a liar, but no blood was shed, and here the matter ended.

Race for the House.

Hon. Edwin P. Cox led his ticket for the House over his nine competitors, and the honor is considered a most distinguished one, and a complete indorsement of his work of two terms in that body.

Colonel C. E. Wingo was a close second, and Colonel Massie was third in the race. Hon. Harry C. Glenn was only forty-six votes behind Colonel Massie, and Mr. Hill Montague won the fifth place on the ticket, defeat-

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RICHMOND'S DELEGATION IN NEXT GENERAL ASSEMBLY

GRAND JURY WILL TAKE MATTER UP

To Inquire Into Alleged Existence of Ice Trust Here.

THOUGHT LAW WILL BE STRENGTHENED

New York Statute May Be Used as Guide for Member of the General Assembly, Who Is Said to Be Preparing a Bill.

In connection with the agitation of the ice question and the rumors that a combination among the local dealers in the nature of a trust exists, it may be asserted with practical positiveness that the matter will be the subject of inquiry by the grand jury which convenes on Monday. Such a move is not an official assertion that an actual trust or combination in restraint of trade exists, but is merely the presentation and consideration of the question, "Does a trust exist?"—a question answered emphatically in the negative by the dealers, and as emphatically in the affirmative by hundreds of consumers, from whom loud complaints are coming.

The grand jury will be empanelled on Monday, but will probably devote all that day to the disposition of the cases certified to it from the Police Court. On Tuesday morning, probably, the jury will examine witnesses relative to the question of an ice trust or any other trust existing in this city, in the nature of an unlawful combination to fix prices or control the sale of commodities classed as necessities of life.

Must Depend on Common Law.

A well-known lawyer, who has given thought and study to this question, stated positively yesterday that Virginia has no statute under which a proceeding against any alleged trust can be had, and must, therefore, depend upon the common law proceeding. He admitted that it was a difficult thing to establish such a charge, even if evidence can be secured on which to base an indictment. If there were a statute clearly defining what shall be deemed an unlawful combination in restraint of trade or to fix prices it would be much easier to proceed. Efforts have been made by several attorneys-general to have an anti-trust statute enacted, but so far without success.

"Our present laws do not reach the case of the local dealers alleged to be in a trust," said the lawyer, "and until a law is provided proceeding must be under the common law remedy. Every State ought to have such a statute. New York has one, which, I understand, is adequate to prevent or punish trusts. All the prosecution needs is evidence, but that is not always easy to get, especially in a case of this nature."

As to Coal Dealers.

The anti-trust proceeding under the

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TO DETERMINE LEADER'S SANITY

Master Appointed to Examine Mind of Mrs. Eddy.

CONCORD, N. H., June 28.—Judge Edgar Aldrich, of Littleton, was appointed master to determine the competency of Mrs. Mary Baker G. Eddy by Judge Robert N. Chamberlain, of the Supreme Court, late to-day. The master is named in connection with a suit brought by Mrs. Eddy's son, George W. Glover, of Lead, S. D., and others, as "next friends" for an accounting of Mrs. Eddy's property.

He is directed to ascertain, determine and report the fact whether Mrs. Mary Baker G. Eddy was capable of intelligently managing, controlling and conducting her financial affairs and property interests March 1, 1907, and during such time before that date as to the master seems reasonable. No limitations are made as to the evidence to be introduced.

STANDARD OIL JURY COULD NOT AGREE.

FINDLAY, O., June 28.—The jury in the case of the State of Ohio against the Standrad Oil Company, charged with violating the anti-trust laws, this morning reported to Judge Duncan that it had been found impossible to agree upon a verdict. The court thereupon ordered the jury discharged.

SAYS ORCHARD WAS SEEKING REVENGE

Defense Produces Witnesses Who Tell of Man's Threats.

WRECK OF VINDICATOR MINE

Denial That It Was Caused by Explosion of Revolver Near Powder.

BOISE, IDAHO, June 28.—Attorneys for William D. Haywood, charged with killing former Governor Steunenberg, to-day continued to centre efforts on the discrediting of Harry Orchard and the establishment of their assertion that Orchard killed Steunenberg in revenge for the loss of his interest in the Hercules mine. They directly attacked the Vindicator explosion with the testimony of a witness that made it appear accidental rather than criminal.

Thomas Wood, a non-unionist, who entered the Vindicator mine after the strike began, swore that the night before the explosion he placed a box containing twenty-five pounds of giant powder at the shaft of the eighth level. He saw the powder the next morning shortly after 10 o'clock, and a few minutes later Superintendent McCormick and Foreman Beck came to the sixth level, where they were killed. Wood swore that when he reached the shaft, twenty minutes later, the powder was gone, and it was a reasonable inference that McCormick and Beck took it with them.

Wood testified that he had seen a revolver in Beck's pocket; that the fragments of only one revolver were found in the sixth level, and that the bodies of McCormick and Beck were blown apart, indicating that the explosion had occurred between them. Orchard said that he fixed a revolver with a wire attachment, so that when the safety bar was raised it would send a bullet in the giant powder he had placed. One witness for the State has sworn that he later found a wire attached to the safety bar, but Wood said that he carefully examined the safety bar and found nothing attached to it.

Heard Orchard's Threats.

William Easterly and Copley both swore that they heard Orchard tell of the loss of the Hercules Mine and threaten to kill Steunenberg for it. On cross-examination, the State scored Easterly, who received two letters and one telephone message from Orchard on the eve of the killing of Steunenberg, and Copley for remaining quiet when they knew the crime might be committed.

Easterly contended that he did not know Steunenberg lived at Caldwell, and explained that although he knew Thomas Hogan was Harry Orchard, he took no steps immediately after the crime, except to consult counsel for the federation, because he was not an informer. Copley asserted that he did not take Orchard seriously when they met in San Francisco, and Orchard told him of the Bradley crime.

No Talk of Violence.

Easterly denied positively that he had ever talked with Harry Orchard as to the Independence depot explosion. Orchard was at Cripple Creek the latter part of 1903 and the first of 1904. "He mined a little," said the witness, "but he was quite a fiend at card games. He seldom worked more than a month at a time."

Easterly asserted that during the Cripple Creek strike days there was never any talk of violence at the meetings of the union, except by a visiting member. The visitor proved

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CLEMENGEAU WON A DECISIVE VICTORY

Confidence in Government Voted by the Chamber of Deputies.

DEFEATED THE SOCIALISTS

Use of Force in South Justified by Serious Conditions There.

PARIS, June 28.—The Chamber of Deputies, to-night by a decisive majority of 120, after an exciting eight-hour debate, voted confidence in the government's policy to secure respect for the law. Premier Clemenceau's victory was more decisive than his most ardent friends had looked for. During the session the extreme Socialists who directed the attack on the government, put forward speaker after speaker from the south, but notwithstanding the savage blows they struck, they proved to be no match for M. Clemenceau, who is a past grand-master in parliamentary debates.

The premier based his defense of the government's use of force upon the ground that the situation in the south, with 200 municipalties striking and their population refusing to pay taxes, could not be tolerated.

With consummate skill he replied to the reproaches that he had become reactionary by recalling the long years during which he had fought in the ranks against oppression and injustice and referring to the time when, as Mayor of Montmartre under the Commune, he almost sacrificed his life in endeavoring to save French officers from a mob.

After M. Clemanceau had concluded, M. Jaures, the Socialist leader, attempted to turn the tide, but it was too late to make an impression, and by a succession of votes the Cabinet was sustained.

TRAMPS ARRESTED FOR ATTEMPT AT TRAIN WRECKING.

WILKESBARRE, PA., June 28.—Lehigh Valley Railroad detectives to-day arrested Michael Sobol, Michael Fidgcock and John Maddock, at Ricketts, near here, charged with attempting to wreck a passenger train by piling stones on the track. A wood chopper discovered the obstruction and removed it. The accused men were given a hearing and committed to jail. They were put off a freight train, and for revenge, it is alleged, they tried to wreck a passenger train.

HARRIMAN REGARDS THE INCIDENT AS CLOSED.

NEW YORK, June 28.—E. H. Harriman, who was taken into the custody of internal revenue officers at the races at New London yesterday, said to-day that he was no doubt guilty of a violation of the regulations governing the course, but that it was unintentional. He regarded the incident as closed, and that he did not expect that any penalty would be imposed upon him.

WOMAN KILLED IN A CARRIAGE

Struck by Pittsfield Express and Two Others Badly Hurt.

DANBURY, CONN., June 28.—Mrs. A. Cooke Seeley was killed outright, while two of her companions, Mrs. George Decker and Howard b. Hoyt, were badly injured when the Pittsfield express struck her carriage as it was crossing the tracks of the New York, New Haven and Hartford Railroad at Greenwood Avenue, Bethel, to-night. A fourth occupant of the carriage, Mrs. E. B. Rosevear, daughter of Mrs. Seeley, jumped and escaped injury.

Mrs. Seeley, who was killed, was about sixty years old, wife of a former postmaster of Danbury. Mr. Hoyt is a retired business man.

PITCHARD ASKED AS TO MAKING RATE

Wanted to Know if It Was Based on Investigation of Fact.

THE COAST LINE CASE HEARD

Virginia Passenger Rate Suit Delayed in the Federal Court.

[Special to The Times-Dispatch.]

ASHEVILLE, N. C., June 28.—In the railway injunction proceedings now pending before Judge Pritchard, in the United States Circuit Court, the cases against the Virginia Corporation Commission were to have come up this morning, but by agreement the case of the stockholders of the Atlantic Coast Line against the directors of that road and the North Carolina Corporation Commission was taken up. Mr. George Rountree, of Wilmington, counsel for the stockholders, read a number of affidavits by officials of the Atlantic Coast Line, showing the operating expenses of the road. When the affidavit of Freight Traffic Manager Brant was read, to the effect that the rate fixed by the North Carolina Commission was lower than other States, Judge Pritchard asked when it was that the commission had fixed these rates. Chairman McNeill said the rates were fixed in 1899, and had been changed since then.

"Was the revision based on any investigation?" asked Judge Pritchard.

Chairman McNeill replied that changes had been made only when there had been complaint as to the rate on a particular class or a particular instance. The question of Judge Pritchard is looked upon as significant.

Alexander Hamilton Speaks.

Mr. Alexander Hamilton, of Petersburg, Va., general counsel for the Atlantic Coast Line, made a brief statement to the effect that while the Atlantic Coast Line considered the new rates unjust, it was unwilling to incur the risk of penalties, and therefore not contesting the case which has been brought by the stockholders, and he would make no argument unless the unexpected happened.

Says Law Is Right.

Victor E. Bryant, of counsel for the State Commission, contended that the only difference between the cases of the Southern Railway and that of the Atlantic Coast Line lay in the allegation of the latter's stockholders that the rate law was not properly passed. He made a lengthy argument covering the points involved, and took the position that the Attorney-General had no special duty relative to the rate law. He argued that the law was effective without any action by the Corporation Commission.

Argument by Mr. Glasgow.

W. A. Glasgow, Jr., of Philadelphia, followed for the railroad company. He made analysis of the affidavits and the purpose of demonstrating that the cost of doing North Carolina business on the new rates for the nine months ending March, 1907, would be such that the road would have a deficit of $46,000 instead of a profit on which to pay interest on bonds.

OKLAHOMA DEMOCRATS SPLIT IN CONVENTION.

HOBART, OKLA., June 28.—As a result of three days' balloting, the Democratic Convention in the Fifth Congressional District here, late yesterday, ended in a sensational tumult, and two candidates, Scott Ferris, of Lawton, and Carlon Weaver, of Ada, I. T., will contest for places on the ticket. The Ferris forces walked out of the hall, leaving the Weaver men in possession of the official ballot.

PROTEST BY NICOL CREATES SENSATION

Appeals for Investigation of Charges in the Eighth District.

CARLIN JOINS IN THE REQUEST

District Committee Calls on Defeated Candidate for His Facts—Voters Resent Statement of Corruption—Meeting on July 6th.

BY WALTER EDWARD HARRIS.

WASHINGTON, D. C., June 28.—Judge C. E. Nicol, candidate for the Democratic nomination to Congress from the Eighth Virginia District, has filed with the district committee a protest against Mr. Carlin's being declared the nominee. The protest was received by the committee at a meeting at the Metropolitan Hotel, in this city, this afternoon. The committee adopted a resolution to meet on the 6th of July in Alexandria, for the purpose of considering the specific charges which Judge Nicol is supposed to make at that time. The protest of Judge Nicol, if such it may be termed, is as follows:

"To the Honorable District Committee of the Eighth Congressional District of Virginia:

"Whereas there have been charges in the public press and otherwise of bribery and illegal use of money and illegal registration and voting in the primary election that occurred on the 19th instant, as one of the candidates before said primary I demand an investigation of said charges, and to that end respectfully petition your honorable committee to adjourn to such time and place in Virginia as may seem proper to your committee, in order that a public hearing of said charges may be had. And your petitioner further states that whatever may be the outcome of said investigation, he would not accept a nomination at the hands of your committee, but this investigation is sought by your petitioner in the interest of public morals, the good of the Democratic party, and the purity of elections in Virginia; and your petitioner requests that said investigation be sufficiently broad to comprehend the action of all the candidates, including your petitioner, and their friends, at and before the said primary. And your petitioner further requests that in the event any considerable fraud, bribery or illegal voting be found to exist in said primary that a new election be awarded by your committee.

"Respectfully,
(Signed) "C. E. NICOL."

Must Give the Facts.

There was some discussion as to the

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GORDON FINED; TAKES APPEAL

Case of President of Chamber of Commerce Will Be Carried to Higher Court.

After having consulted the best legal talent available in the city, and after having considered the matter with the greatest care, Justice Crutchfield yesterday morning called the case of Mr. John R. Gordon, president of the Chamber of Commerce, charged with not moving his seat on a street car when ordered to do so by the conductor, and declared him guilty, fining him $10 for breach of the company's rules. Through his attorneys, Messrs. H. R. Pollard and James E. Cannon, Mr. Gordon took an appeal. He will carry the case to the Hustings Court.

A written statement of the testimony offered in the first hearing by Mr. Gordon was taken into consideration by Justice Crutchfield. The statement was regarded as a very lucid and luminous account of all that occurred on the car between Mr. Gordon and the conductor, Justice Crutchfield declaring that it was the clearest paper of its kind he had ever seen.

Few cases of recent date have ever excited as much interest as that involving Mr. Gordon and the street car company, both on account of the defendant's prominent standing in the city and because of the effect the decision bears on the "Jim Crow" law.

ESTES' FATHER TO SUE JUDGE LOVING

Seeks Thus to Clear the Stigma From His Son's Name.

END ARGUMENT THIS AFTERNOON

Messrs. Harman and Strode Spoke Yesterday—Three More Speeches for Defense—One for Prosecution—Expected Jury Will Get Case by Four o'Clock.

BY ALLEN POTTS.

HOUSTON, VA., June 28.—A fact which will cause great interest when it becomes known is that the Estes family has concluded to bring a civil suit for damages against Judge Loving for killing Theodore Estes. This fact was decided upon this afternoon by Sheriff Estes, father of the young man killed by Judge Loving, who is determined that the whole story of the killing in all its details shall be made public. When Judge Barksdale ruled to exclude the collateral evidence concerning the story told by Miss Elizabeth Loving to her father, the Estes family gave up all hope of convicting the prisoner, and it was decided to bring out all the testimony in a civil suit, which will be brought at once by Mr. Daniel Harmon in Nelson county in the name of the executor of Theodore Estes.

WOULD NOT HAVE LOVING HANGED IF HE COULD

Sheriff Estes says he would not have Judge Loving hanged if he could do so, and that he does not desire to do him any harm, but what he has determined to do is to place his son's "name right in the eyes of the world."

"If he was a profligate I want to know it," he said, "and if his character is above reproach I want the world to know it. I'm an old man, and all I live for is to clear my boy's name of the stigma which has been placed upon it."

Mr. Estes says there will be no attack made on Judge Loving in Nelson county, and that he has no feelings of vengeance.

This is the most interesting story in connection with the case, for it shows the determination of the Estes family to sift the whole matter to the bottom, and it shows also that the prosecution has given up all hope of convicting Judge Loving in a criminal court.

Already affidavits have been taken to be used in preparing the bill to be filed in the civil case. The Loving murder trial is growing near its end, and by 6 o'clock to-morrow evening Judge Loving, who stands charged with killing the alleged betrayer of his daughter, will learn his fate, either returning to his home a free man or being branded with the blood-red mark of Cain, to live a Pariah among his fellows.

VERDICT OF ACQUITTAL MORE THAN LIKELY.

There is not the slightest chance that the twelve Halifax men who will pass judgment upon his act will bring in a verdict of murder in the first or second degree; there is hardly a possibility that even a verdict of manslaughter will fall to his lot, for the almost universal opinion of the people of the county is that "not guilty" will be the verdict, with a bare possibility of a hung jury.

Since the reading of the exceptions by Judge Barksdale to-day, and the partial argument of the case by Mr. Dan Harmon for the prosecution and Hon. Aubrey E. Strode for the defense, this opinion has grown stronger, for Mr. Harmon, a brilliant lawyer and an orator of acknowledged reputation, failed to impress the jury to the same degree as the Senator from Amherst, for while the logic of the speaker for the Commonwealth was plain and earnest, it lacked the pathos and feeling with which Mr. Strode drove home his facts, and the warmth with which the defense appealed to the hearts and heads of the jurymen. If Judge Loving is not acquitted it will not only surprise his counsel and the public at large, but the lawyers for the Commonwealth as well, for with their failure to break down the heartrending story told Judge Loving by his daughter, which was responsible for the killing of Theodore Estes, the prosecution saw its well-laid plans destroyed and its attack uprooted and broken.

To such an extent has this feeling gone abroad that the rumor has been spread that the enemies of Judge Loving will attack him in the event of his acquittal, but such action does not seem probable, and in fact Judge Loving says he fears it so little that if the verdict is "not guilty" he will take his family home to Nelson county by the first train, and take up his lifework where it was interrupted by the tragedy.

JUDGE WILL NOT DIGNIFY LETTER FROM BLACK HANDS

Regarding the Black Hand letter received from New York this morning Judge Barksdale takes the matter as an ill-bred joke, and will take no steps to detect the writer or to dignify it by notice.

The morning session of the fifth day of the trial was devoid of interest, for the entire time was spent in arguing the thirty-six instructions asked by the prosecution and defense.

It was not until half-past 3 o'clock that the instructions were finally handed down, and at 4 o'clock Mr. Harmon began his speech on the part of the prosecution before the jury.

Judge Loving, more carefully dressed than he has been during the trial, sat behind his counsel, and with him were his wife, his wife's sister, Mrs. Chalkley, of Richmond; his son and his brother, while opposite, sitting behind the lawyers for the Commonwealth, were the father of young Estes and Mr. John Swanson, whose wife was Estes's sister.

Before the argument began an incident occurred which was interesting. Mr. Bouldin had asked the court to allow the Commonwealth to make three speeches on the case before the jury, and Judge Barksdale had agreed, when Mr. Lee said: "I suppose each of you